

By: Talton

H.B. No. 2768

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of the Texas Chiropractic College to the University of Houston System.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. AMENDMENT. Chapter 111, Education Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. THE UNIVERSITY OF HOUSTON SYSTEM--TEXAS CHIROPRACTIC COLLEGE

Sec. 111.121. DEFINITION. In this subchapter, "college" means the University of Houston System--Texas Chiropractic College.

Sec. 111.122. ESTABLISHMENT. The University of Houston System--Texas Chiropractic College is a component institution of the University of Houston System under the management and control of the board of regents of the University of Houston System.

Sec. 111.123. POWERS AND DUTIES OF BOARD. (a) The board of regents has the same powers and duties concerning the University of Houston System--Texas Chiropractic College as are conferred on the board by law concerning any other component institution of the University of Houston System.

(b) The board of regents in operating the college may:

(1) provide for the training and teaching of students seeking to become:

(A) doctors of chiropractic; or

1                   (B) other technicians who provide services  
2 related to the practice of chiropractic;

3                   (2) prescribe courses leading to degrees customarily  
4 offered in other leading United States chiropractic colleges;

5                   (3) award the degrees described by Subdivision (2);

6                   (4) enter into an affiliation or coordinating  
7 agreement with another entity if reasonably necessary or desirable  
8 for the operation of a chiropractic college of the first class;

9                   (5) make joint appointments in the college and another  
10 component institution of the University of Houston System; and

11                   (6) adopt rules for the operation, control, and  
12 management of the college as necessary for the operation of a  
13 chiropractic college of the first class, including rules governing  
14 the number of students that may be admitted to any program at the  
15 college.

16                   (c) The salary of a person who receives a joint appointment  
17 under Subsection (b)(5) must be apportioned among the institutions  
18 to which the individual is appointed on the basis of the services  
19 provided.

20                   SECTION 2. TRANSFER OF GOVERNANCE OF COLLEGE; NAME CHANGE.  
21 The governance, control, management, and property of the Texas  
22 Chiropractic College, a Texas nonprofit corporation, are  
23 transferred from the board of trustees of the college to the board  
24 of regents of the University of Houston System on September 1, 2005.  
25 On that date, the name of the college is changed to the University  
26 of Houston System--Texas Chiropractic College. The transfer is  
27 governed by Sections 3 through 8 of this Act.

1           SECTION 3.   POWERS AND DUTIES; RULES AND POLICIES.   (a) The  
2 board of regents of the University of Houston System shall govern,  
3 operate, manage, and control the University of Houston  
4 System--Texas Chiropractic College and all land, buildings,  
5 facilities, improvements, equipment, supplies, and property  
6 belonging to and constituting the University of Houston  
7 System--Texas Chiropractic College under the powers and duties  
8 conferred by law on the board of regents.

9           (b) The University of Houston System--Texas Chiropractic  
10 College may continue to award degrees in the same disciplines and of  
11 the same academic standing as the Texas Chiropractic College,  
12 subject to the continuing review of the Texas Higher Education  
13 Coordinating Board. A new degree program at the University of  
14 Houston System--Texas Chiropractic College is subject to the same  
15 approval process that applies to a new degree program at other  
16 institutions of higher education, as defined by Section 61.003.

17           (c) Any rule or policy adopted by the board of trustees of  
18 the Texas Chiropractic College to govern the college that is in  
19 effect when the transfer takes effect and that is not in conflict  
20 with state statute is continued in effect until adopted, repealed,  
21 or superseded by the board of regents of the University of Houston  
22 System. The board of regents of the University of Houston System  
23 may adopt rules and policies applicable to the University of  
24 Houston System--Texas Chiropractic College in anticipation of the  
25 transfer authorized by this Act.

26           SECTION 4.   CONTRACTS AND WRITTEN OBLIGATIONS.   A contract  
27 or other written obligation entered into by the board of trustees of

1 the Texas Chiropractic College for and on behalf of the Texas  
2 Chiropractic College is ratified, confirmed, and validated by the  
3 board of regents of the University of Houston System on the  
4 effective date of the transfer. In each contract or other written  
5 obligation, the board of regents of the University of Houston  
6 System is substituted for and stands and acts in the place of the  
7 board of trustees of the Texas Chiropractic College to the extent  
8 permitted by law.

9 SECTION 5. TRANSFER OF FUNDING. Any funds that, on the  
10 effective date of the transfer, have been dedicated to or are held  
11 for the use and benefit of the Texas Chiropractic College under the  
12 governance of the board of trustees are transferred to the board of  
13 regents of the University of Houston System for the use and benefit  
14 of the University of Houston System--Texas Chiropractic College.

15 SECTION 6. EFFECT OF TRANSFER ON STUDENTS. (a) The  
16 transfer of the governance, operation, management, and control of  
17 the Texas Chiropractic College to the board of regents of the  
18 University of Houston System does not affect the credit hours  
19 earned by a student enrolled at the Texas Chiropractic College  
20 before the effective date of the transfer.

21 (b) The tuition rate charged by the Texas Chiropractic  
22 College for the 2005 fall semester remains in effect for the  
23 remainder of the semester following the transfer of the  
24 institution.

25 SECTION 7. EFFECT OF TRANSFER ON EMPLOYEES. For purposes of  
26 determining employment benefits, an employee of the Texas  
27 Chiropractic College on September 1, 2005, shall be treated in the

1 same manner as any other new employee of the University of Houston  
2 System, except that the employee shall be given credit for any years  
3 of service at the Texas Chiropractic College for the purpose of  
4 accruing annual leave as a state employee.

5 SECTION 8. LEGISLATIVE INTENT; ROLE OF COORDINATING BOARD.

6 (a) It is the intent of the legislature that:

7 (1) the effect of this Act is to transfer the  
8 governance of the existing Texas Chiropractic College from the  
9 board of trustees of the college as a nonprofit corporation to the  
10 board of regents of the University of Houston System; and

11 (2) this Act does not create an institution of higher  
12 education entitled to receive funds under Section 17, Article VII,  
13 Texas Constitution.

14 (b) It is also the intent of the legislature that the  
15 transfer of the governance of the Texas Chiropractic College to the  
16 board of regents of the University of Houston System be made without  
17 disrupting the students, faculty, staff, or programs of the  
18 college. If the board of trustees of the Texas Chiropractic College  
19 and the board of regents of the University of Houston System are  
20 unable to agree as to any matter relating to the transfer, the Texas  
21 Higher Education Coordinating Board, on application of either  
22 board, shall resolve the disagreement consistent with the intent of  
23 this section and the provisions of this Act as the coordinating  
24 board determines is in the best interest of this state and the  
25 institutions. The coordinating board may issue any order or take  
26 any other action the coordinating board considers appropriate to  
27 enforce this section or to facilitate the transfer consistent with

1 this Act.

2 SECTION 9. AMENDMENT. The heading to Subchapter O, Chapter  
3 61, Education Code, is amended to read as follows:

4 SUBCHAPTER O. CONTRACTS WITH [~~TEXAS CHIROPRACTIC COLLEGE AND~~]  
5 PARKER COLLEGE OF CHIROPRACTIC

6 SECTION 10. AMENDMENT. Section 61.772, Education Code, is  
7 amended to read as follows:

8 Sec. 61.772. CONTRACT [~~CONTRACTS~~] WITH [~~TEXAS CHIROPRACTIC~~  
9 ~~COLLEGE AND~~] PARKER COLLEGE OF CHIROPRACTIC. The board may  
10 contract with [~~Texas Chiopractic College and~~] Parker College of  
11 Chiopractic for the preparation or instruction of Texas resident  
12 undergraduate chiopractic students as doctors of chiopractic.

13 SECTION 11. REPEALER. Chapter 114, Education Code, is  
14 repealed.

15 SECTION 12. EFFECTIVE DATE. This Act takes effect  
16 September 1, 2005.